

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NORTHEASTERN DIVISION**

<b>BYRON EVANS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>No. 2:13-cv-0106</b>
<b>v.</b>	)	
	)	<b>Judge Sharp</b>
<b>SMITH COUNTY SHERIFF'S</b>	)	<b>Magistrate Judge Brown</b>
<b>DEPARTMENT, <i>et al.</i>,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

Pending before the Court is a Report and Recommendation (“R & R”) of the Magistrate Judge, recommending “this case be dismissed without prejudice for failure to prosecute and to obey Court orders.” (Docket Entry No. 29).

No response in opposition was filed to the R & R. Having thoroughly reviewed the record in this case and the applicable law in accordance with Rule 72(b), the Court will accept the R & R of the Magistrate Judge.

Accordingly, the Court hereby rules as follows:

(1) The Report and Recommendation (Docket Entry No. 29) is hereby **ACCEPTED** and **APPROVED**;

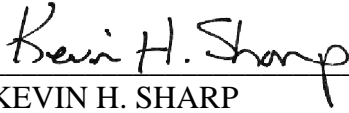
(2) All pending motions are hereby **TERMINATED** as moot;

(3) This case is hereby **DISMISSED WITHOUT PREJUDICE**; and

(4) The Court hereby certifies that any appeal would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3).

The Clerk is directed to enter Judgment in a separate document in accordance with Federal Rule of Civil Procedure 58.

**It is SO ORDERED.**

  
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KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE